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THE NAZI MASTER PLAN

ANNEX 5: THE ILLEGAL ANNEXATION OF TERRITORY BY NAZI GERMANY

Description

This study describes, with documentation, the annexation of territory by Nazi Germany in contravention of international law and/or international agreements.

DRAFT FOR THE WAR CRIMES STAFF

Washington, D.C.
6 July 1945

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THE ILLEGAL ANNEXATION OF TERRITORY BY NAZI GERMANY

I. INTRODUCTION

During the course of its history, Nazi Germany incorporated a number of areas into the Reich. In some cases the incorporation was accompanied by a formal procedure and announcement; in others the only formality was the act of physical incorporation as such. These incorporations were in line with the Nazi program which called for (1) bringing all Germans together into a Greater Reich; (2) repealing the treaties of peace dating from the first World War; and (3) securing Lebensraum for Germany.

The present study covers all annexations since 1939, beginning with the incorporation of Memel. The first two annexations discussed here — Memel and Danzig — were accomplished without overt resort to force. Memel was acquired from Lithuania by treaty; Danzig was secured upon the invitation of the nazified Danzig government. In both cases, the transactions were in violation of the Treaty of Versailles.

All other annexations were made by force and without the consent of the rightful owner. In the case of the former Polish and Yugoslav territories, Germany based its annexation on the claim that these states had ceased to exist. Eupen-Malmedy, however, was taken from Belgium, because in German eyes it had

become Belgian "illegally;" i.e., as part of the Treaty of Versailles. Alsace, Lorraine, and Luxembourg were only "administratively" annexed, in other words, annexed and incorporated in fact, but not in name, because the Reich felt that it did not have the right to proceed unilaterally. The official reasons for annexing Italian territory have never been made public.

In all these cases of annexation of an occupied area, Germany acted in contravention of those rights which international law gives to an occupying power. In no case, was the population consulted on the changes. On the contrary, annexation did not remain an abstract legal form, but became very real to the inhabitants who became subject to German naturalization, conscription, taxation, and/or persecution and discrimination.

II. MEMEL

A. Importance and Background

The Memel area, a small strip of land (2656.7 square km. containing 154,694 inhabitants) on the north bank of the Njemen (Memel) River, is important because it contains the only convenient harbor accessible to Lithuania. After the first World War, the area was ceded by Germany to the Allied and Associated Powers, who in turn gave it to Lithuania under the conditions that (1) it would grant local autonomy to the mixed Lithuanian-German population of the region, and that (2) it could not dispose of the territory without the consent of the Powers.

B. Acquisition and Incorporation

Lithuania formally ceded the Memel Territory to Germany on 22 March 1939 without the sanction of the Powers. In the treaty of cession, Lithuania was granted a free harbor zone in Memel (Klaipeda), and obliged herself to hand over the Lithuanian — but not the autonomous — administration to German commissioners.[1] On 23 March Germany incorporated the Territory into the Reich by a cabinet-made law and included the area within the Prussian district (Regierungsbezirk) Gumbinnen. The law made the incorporation effective retroactively to 22 March 1939.[2] The autonomous administration was discontinued by the Nazis.

C. Assimilation

The law of incorporation[2] returned German citizenship to all

NOTE: All references are collected at the end of each chapter.

former Germans in the Territory and introduced the whole body of Reich and Prussian law as of 1 May 1939. The law designated the Reich Ministry of the Interior as the central transfer office and appointed the Provincial President of East Prussia, Erich Koch, as transfer commissioner. The leader of the Memel Germans, Neumann, was made Koch's deputy.[3] Germany introduced within a year almost all German regulations into the Territory thereby assimilating it completely.[4] A German-Lithuanian treaty of 8 July 1939 provided for the settlement of nationality questions.[5]

D. Legality

In Nazi style, "Memel came home to the Reich."[6] Dr. Wilhelm Stuckart, the foremost Nazi authority on the legal status of incorporated territories, who was secretary of state (Staatssekretär) in the Reich Ministry of the Interior and in charge of assimilating incorporated territories, states that Lithuania never fulfilled her obligation to grant autonomy to the Memel Territory and that from a point of view of international law the transfer was regulated by the treaty of 22 March 1939.[7]

By Article 99 of the Treaty of Versailles, Germany renounced all rights over the Memel Territory and undertook "to accept the settlement made by the Principal Allied and Associated Powers in regard to these territories, particularly insofar as concerns the nationality of the inhabitants." By the

Treaty of Paris, dated 8 May 1924, the British Empire, France, Italy, and Japan effected the settlement mentioned in Article 99 by giving the Territory to Lithuania and by obligating her (1) to establish and maintain an autonomous regime in this area and (2) to accept the provision that "rights of sovereignty over the Memel Territory or the exercise of such rights may not be transferred without the consent of the High Contracting Parties."[8] Germany was therefore bound to abide by the treaty of 8 May 1924, but did not derive as such any right as to the maintenance of the 1924 settlement from it. That is to say, Lithuania's alleged violations of Memel autonomy gave Germany no cause to intervene. Germany violated her treaty obligation in regard to Memel on two counts: (1) by acquiring the sovereignty over the Territory without the consent of the Powers, and (2) by abolishing the autonomous administration without the consent of all parties to the Treaty of Versailles.

References to Chapter II

1. Treaty of Berlin, dated 22 March 1939: Reichsgesetzblatt 1939, II, pp. 608-609.
2. Law of 23 March 1939: Reichsgesetzblatt 1939, I, pp. 559-560.
3. After the transfer had been completed, the Regierungspräsident in Gumbinnen was put in charge of any remaining problems. Stuckart & Schiedermair, Neues Staatsrecht II, 1943, p. 65.
4. The following are the more important laws: Regulation of 23 March 1939 (effective 23 March 1939) introducing German currency: Reichsgesetzblatt 1939, I, p. 565. Regulation of 29 March 1939 introducing German Foreign exchange law: Ibid. pp. 640-641. Regulation of 28 March 1939 (effective 22 March 1939) incorporating Memel into German customs territory: Ibid. p. 654. Regulation of 28 March 1939 (effective 22 March 1939) putting Memel under Appellate Court at Königsberg: Ibid. p. 700. Cabinet law of 13 April 1939 giving Memel two representatives in the Reichstag: Ibid. p. 763. Regulation of 22 April 1939 (effective 22 March 1939) introducing tobacco tax: Ibid. p. 842. Regulation of 28 April 1939 (effective 1 May 1939) introducing German judicial administration, judicial procedure, and substantative legislation: Ibid. pp. 849-852. Two regulations of 19 April 1939 (effective 1 May 1939) introducing German credit and social legislation: Ibid. pp. 857-858. Regulation of 29 May 1939 deferring the introduction of certain German taxes until 1 January 1940 and 1 April 1940: Ibid. p. 870. Regulation of 9 May 1939 (effective 1 May 1939) introducing sickness insurance: Ibid. p. 896. Regulation of 26 May 1939 introducing German Army draft laws: Ibid. p. 960. Regulation of 24 August 1939 (effective 1 October 1939) on organization of Memel in rural and urban counties (Land-Stadkreise): Ibid. pp. 453-454.
5. Treaty of Kaunas, dated 8 July 1939; ratifications exchanged 9 November 1939: Ibid., II, pp. 999-1000.
6. Cf. regulation of 1 May 1939 creating medal commemorating "Heimkehr des Memellandes:" Ibid. pp. 862-863.
7. Stuckart & Schiedermair, op. cit., pp. 65-66. "Zur Regelung der völkerrechtlichen Fragen wurde am 22. III. 1939 zwischen Deutschland und Litauen ein Staatsvertrag abgeschlossen."
8. Article 15, Treaty of Paris, dated 8 May 1924: League of Nations, Treaty Series, XXIX, pp. 85-115.

III. BIALYSTOK

A. Importance and Background

The District of Bialystok (Bezirk Bialystok; 31,140 square km., about 1,500,000 inhabitants) corresponded roughly to the Polish wojewodztwo of the same name. Primarily an agricultural region, it also contains an important textile industry. The area was part of those Polish territories which came under Russian administration after the defeat of Poland in the fall of 1939.

B. Acquisition and Incorporation

The District was conquered by the Germans in the summer of 1941 and organized as a District on 1 August of that year.[1] There was never a formal decree of annexation published, but the German press openly compared the status of Bialystok to that of Alsace, Lorraine, and Luxembourg.[2] From the beginning, the Provincial President of East Prussia, Erich Koch, was in charge of the District, and until April 1942 the administration centered in his office in Königsberg. From then on, a deputy (Zivil-kommissar) in Bialystok was the chief governing agent. During this period, Koch acted primarily as a Prussian official.[3] Beginning in 1942, his official title was "Chief of the Civil Administration for the District of Bialystok" and in this capacity he acted as direct agent of the Reich.[4]

C. Assimilation

Although there were never any sizable German groups settled in the District, it was quietly assimilated into the Reich as part of East Prussia.[5] Thus, German courts were established under the Appellate Court (Oberlandesgericht) in Königsberg, German county (Kreis) administrations were set up, and the railroads were merged with the East Prussian division of the German National Railway.[6] German legislation on such matters as foreign exchange or hunting was introduced, the Reichsmark was made sole legal tender, and the Reich became a holder of forest land for fiscal purposes.[7] The penal code was changed to conform to German practice and regulations discriminating against non-Germans were passed.[8]

D. Legality

No German official statement is known which specifically defends the quasi-incorporation of Bialystok, but from the type of regulations passed in this area by the Germans and from German press comments, it is obvious that Germany was annexing the Bialystok area. In doing so, it overstepped those powers granted to forces of occupation in time of war.

References to Chapter III.

1. Frankfurter Zeitung, 6 November 1942.
2. Frankfurter Zeitung, 6 November 1942; Deutsche Allgemeine Zeitung, 9 April 1943.
3. Monatliches Verzeichnis der Reichsdeutschen Amtlichen Druckschriften 1942. This publication lists the decrees for Bialystok under Prussia and not the Reich. It states that they were published in Königsberg until April 1942 and from then on in Bialystok.
4. Op. cit., June 1943, lists decrees under Reich in the name of the Chef der Zivilverwaltung für den Bezirk Bialystok.
5. See note 2 above
6. Deutsche Allgemeine Zeitung, 9 April 1943; Frankfurter Zeitung, 6 November 1942.
7. Der Neue Tag, 17 March 1942; Regulation of 15 December 1941 on foreign exchange: Verordnungsblatt 1941, #17; Regulation of 1 November 1941 introducing Reichsmark: Ibid. #15; Regulation of 19 November 1942 on applying Reichsjagdgesetz: Ibid. 1942, pp. 142-143. Regulation of 3 October 1942 giving certain forest lands to Reichsforstfiskus: Ibid. pp. 133-134. All these regulations quoted Monatliches Verzeichnis.
8. Regulation of 19 December 1941 introducing Strafrechtspflege, Verordnungsblatt 1942, p. 1 quoted in Monatliches Verzeichnis 1942; Regulation of 27 July 1942 on penal authority of police over non-Germans; Ibid. p. 99; Regulation of 27 November 1942 on disposal (Verwertung) of Jewish property, Ibid. p. 144-145; Regulation of 20 November 1942 on the penal authority of forest authorities over non-Germans: Ibid. p. 144.

IV. DANZIG

A. Importance and Background

The Free City of Danzig (1,893.29 square km. 390,593 inhabitants), whose territory included not only the city itself but also the adjacent delta region of the Vistula River, had been constituted after the first World War in order to make its important harbor facilities available to Poland. Germany ceded the territory which was to constitute Danzig at Versailles, and agreed that Danzig would be a Free City under the protection of the League of Nations which would also guarantee its constitution. Poland was given extensive rights in the city's economic life (such as operation of transport facilities, customs union, etc.) and was to conduct the foreign relations of the Free City.

B. Acquisition and Incorporation

Danzig had a Nazi government from 1933. Gradually the municipal authorities gained full control and completely nazified the city in violation of its constitution. On 23 August 1939, a Danzig law created for the city a new chief officer, the head of the state (Staatsoberhaupt), and appointed the local Gauleiter Albert Forster to that office. On 1 September 1939, Forster signed a decree abolishing the constitution, giving himself all legislative and executive powers,

and declaring Danzig a part of the Reich. He wired this decree to Hitler who immediately acknowledged it by appointing him chief of the civil administration for the "area of Danzig." The decree was then submitted for approval to the Reichstag which accepted it unanimously and made it a Reich law.[1] The incorporation became effective 1 September 1939. Danzigers became, as a rule, German citizens, the body of Reich and Prussian law was introduced effective 1 January 1940, and the Reich Ministry of the Interior was made the central transfer office.[2]

C. Assimilation

In a short time, Danzig was thoroughly assimilated to the Reich[2] and incorporated into the newly founded Reichsgau Westpreussen (later renamed Danzig-Westpreussen).[3] The Polish minority were treated in the same discriminatory way as the Poles in the territories annexed from Poland.[4]

D. Legality

Stuckart, the Nazi authority, maintains that Danzig rid herself through the law of 23 August 1939 of all constitutional and international restrictions.[5] Although the League of Nations failed to enforce the Danzig constitution in the face of transgressions by the Nazi government of the Free City from 1933 on, it never formally absolved either Danzig or Germany from their obligations to abide by the special regime set up by the Treaty

of Versailles. This treaty had given Danzig a definite but limited international personality and obligated Germany to respect this new arrangement. The Free City was, by the fact of its creation, bound to abide by the limitations imposed upon her and could not unilaterally abolish them. The law of 23 August 1939 insofar as it abolished such limitations was therefore invalid under international law. Germany was bound by its ratification of the Treaty of Versailles and could only be released through the consent of all other parties to this treaty. Germany violated in particular articles 100 to 104 of the Versailles Treaty by (1) communicating directly with the government of the Free City, (2) by approving the abolition of the Danzig constitution, and (3) by ending the independence of the city. Germany cannot justify its actions by claiming that the League had in fact ceased to be the protecting power, because Germany itself had been party to the perversion of Danzig constitutional life by the Danzig Nazis.[6]

References to Chapter IV.

1. Stuckart & Schiedermair, Neues Staatsrecht II, 1943, p. 68; Forster to Hitler, 1 September 1939: Friedrich Heiss, Danzig im Reich, 1939, p. 7; Hitler to Forster, 1 September 1939: Ibid. pp. 7-8; law of 1 September 1939: Reichsgesetzblatt 1939, I, pp. 1547-1548.
2. Some of the more important regulations assimilating Danzig to the Reich are the following: Regulation of 1 September 1939 making German currency valid in Danzig: Ibid. p. 1567; Regulation of 5 August 1939 providing for the Reichsbank to take over Danzig banks: Ibid. p. 1621; Regulation of 6 September 1939 abolishing customs duties along Danzig-German frontier: Ibid. p. 1690; Regulations of 22 September 1939 introducing German foreign exchange laws and establishing Devisenstelle Danzig; Ibid. pp. 1865-1867; Regulation of 23 September 1939 introducing various German tax laws: Ibid., 1936; Regulation of 13 October 1939 introducing German Army legislation: Ibid. pp. 2030-2032; Regulation of 18 October 1939 introducing German civil service legislation: Ibid. p. 2055; Regulation of 20 October 1939 transferring postal administration to Reich: Ibid. p. 2063; Regulation of 5 December 1939 introducing German judicial administration: Ibid. pp. 2375-2376; Regulation of 21 December 1939 introducing German commune administration (Deutsche Gemeinde Ordnung): Ibid. pp. 2469-2471.
3. Regulation of 8 October 1939: Ibid. p. 2057.
4. Regulation of 17 September 1940 on the treatment of property belonging to "former Polish citizens," Ibid., 1940, I, pp. 1270-1273; cf. Kluge and Krüger, Verfassung und Verwaltung im Grossdeutschen Reich (3rd ed., 1941), p. 125, which states that Danzig citizens belonging to the Polish minority did not become German citizens.
5. Stuckart and Schiedermair, p. 5.
6. Hans Leo Leonhardt, Nazi Conquest of Danzig, 1942, pp. 339-340.

V. THE INCORPORATED EASTERN TERRITORIES

A. Importance and Background

After the Polish campaign of September/October 1939, Germany incorporated various sections of Poland into the Reich. These regions included all the territory ceded by Germany to Poland after the first World War as well as a number of other sections. The regions ceded were primarily agricultural surplus areas, but also included the highly industrialized Polish Upper Silesia and such urban centers as Poznan and Lodz.

B. Organization

These so-called "incorporated Eastern territories" (eingegliederte Ostgebiete) were organized in the following manner:

1. The Polish county of Suwalki was organized as a Landkreis (area 2,840.60 square km., 116,635 inhabitants). Renamed Sudauen, it was incorporated into the East Prussian district (Regierungsbezirk) of Gumbinnen.

2. Dzialdowo, a small section (491.23 square km., 24,830 inhabitants) which had belonged to East Prussia until 1920, was incorporated into the East Prussian county of Neidenburg.

3. A large section of Poland (12,913.60 square km., 854,304 inhabitants), directly south of East Prussia, was organized as the district (Regierungsbezirk) Zichenau (Polish: Ciechanow) and incorporated into East Prussia.

4. The Polish Corridor (area 21,236.82 square km., 1,594,793

inhabitants) was, together with Danzig and sections of East Prussia, combined into a new urit, the Reichsgau Westpreussen (later renamed Danzig-Westpreussen).

5. South of the Corridor, the Reichsgau Posen (later renamed Wartheland), including Poznan and Lodz, was formed (area 43,905.19 square km., 4,693,722 inhabitants).

6. Prussian Silesia was extended eastward and southward to include neighboring Polish Silesia and adjacent areas (7,835.52 square km. and 2,432,435 inhabitants went to the newly founded district Kattowitz /Polish: Katowice/; 2,750.64 square km., containing 326,426 inhabitants went to district Oppeln).[1]

The two newly founded Reichsgau were administered by the Reich, while the other territories were incorporated into existing Prussian provinces.

C. Incorporation

The incorporation of all these sections was decreed on 8 October 1939 and became effective 26 October 1939. The decree provided that the organization of the new Reichsgau should be patterned after that of the Sudetenland and that, in general, members of the German minority should become German citizens. The Reich Ministry of the Interior was made the central transfer office and was given authority to set up the organization, to delimit the administrative boundaries of the various units, and

to introduce any Reich or Prussian law.[2]

For those territories which were incorporated both into Prussia and the Reich, special administrations (Sonderverwaltungen) were organized which were put under the direction of the respective Provincial Presidents at Breslau and Königsberg.[3] Reich legislation passed after the incorporation did not take effect in the incorporated Eastern territories, unless a specific provision to that effect was inserted.[4] In minor areas, the Reich Minister of the Interior introduced existing law by executive decree (im Verwaltungswege).[5]

D. Assimilation

The Germans did everything possible to Germanize and assimilate the incorporated areas. A large number of Poles and Jews were deported, and persons with a German background were naturalized. This step was achieved by establishing the German Racial Register (Deutsche Volksliste) which was first introduced into Wartheland in October 1939,[6] and later extended to all the incorporated Eastern territories.[7] Step by step, the administration of these areas was assimilated with that of the Reich, German substantative law was introduced, non-Germans were given a second-class status by means of discriminatory legislation, and the areas became in fact and in name parts of the Reich.[8]

E. Legality

Germany has maintained that she acquired these territories

rightfully under international law, because the Polish state had ceased to exist.[9] International law, however, recognizes only such an acquisition by conquest, if the conqueror can maintain his hold on such territories until the end of the conflict during which they were annexed. Since all these territories were reconquered by the Allies during the course of the war, all acts of annexation committed by the Germans are illegal and Germany was wrong in overstepping her authority as an occupying force.

References to Chapter V

1. The Prussian Province of Silesia was divided on 18 January 1941 into Lower and Upper Silesia and that all the territories which were incorporated into Silesia went to the new Province of Upper Silesia.
2. Regulation of 8 October 1939: Reichsgesetzblatt 1939, I, pp. 2042-2043; made effective 26 October 1939 by Regulation of 20 October 1939: Ibid. p. 2057.
3. Regulation of 2 November 1939: Ibid. pp. 2133-2134.
4. Stuckart and Schiedermair, Neues Staatsrecht II, 1943, p. 75.
5. Ibid. p. 76.
6. Regulation of 28 October 1939: Veordnungsblatt des Reichsstatthalters im Reichsgau Wartheland, 1939, p. 51.
7. Regulation of 4 March 1941: Reichsgesetzblatt 1941, pp. 118-120.
8. Among the more important regulations in this respect are: regulation of 30 October 1939 introducing Four Year Plan legislation and providing for its adaptation to local circumstances: Ibid., 1939, I, 2125; regulation of 17 November 1939 (effective 20 November 1939) introducing German foreign exchange legislation: Ibid. pp. 2255-2256; regulation of 18 November 1939 (effective 20 November 1939) introducing German customs law and various German consumption taxes: Ibid. pp. 2258-2259; regulation of 18 November 1939 (effective 20 November 1939) introducing German liquor monopoly: Ibid. pp. 2259-2260; regulation of 22 November 1939 (effective 27 November 1939) making Reichsmark sole legal tender: Ibid. pp. 2291-2292; regulation of 27 November 1939 incorporating Polish railroads into Reich railroads administration and providing that "as far as they become Reich property, they become part of the Reichsbahn:" Ibid. p. 2302; regulation of 28 November 1939 making "Gotenhafen" (Gdynia) a Reich Navy harbor: Ibid. p. 2341; regulation of 21 December 1939 (effective 1 January 1940) providing for gradual introduction of German commune administration: Ibid. pp. 2467-2471; regulation of 24 December 1939 introducing German civil service legislation: Ibid. pp. 2489-2496; regulation of 29 December 1939 (effective 1 January 1940) introducing German postal and telecommunications legislation: Ibid. pp. 2497-2498; regulation of 22 December 1939 introducing Reich waterway administration on 1 January 1940: Ibid. 2503-2504; regulation of 15 January 1940 (effective 19 January 1940) on securing the property of the 'former' Polish state: Ibid., 1940, I, pp. 174-175; regulation of 20 April 1940 introducing German Army legislation (Wehrrecht): Ibid. pp. 707-710; regulation of 5 February 1940 giving the Regional

Mining Office at Breslau jurisdiction over the two Eastern Reichsgau: Ibid. p. 274; Cabinet law of 29 January 1940 providing for representation in the Reichstag for the "Eastern territories which had returned home": Ibid. p. 240; regulation of 31 January 1940 introducing German labor service law: Ibid. p. 248; regulation of 6 June 1940 introducing German penal law: Ibid. p. 844; regulation of 26 November 1940 (effective 1 January 1941) introducing German judicial organization: Ibid. pp. 1538-1539; regulation 15 April 1941 introducing German legislation concerning Reich flags, symbols and seals: Ibid., 1941, I, 208; regulation of 31 May 1941 introducing Nuremberg laws: Ibid. p. 297; regulation of 4 December 1941 enacting special penal code for Poles and Jews: Ibid. pp. 759-761; regulation of 23 May 1941 introducing German extradition legislation (statutes and treaties): Ibid. p. 304; regulation of 3 November 1943 introducing Hitler Youth: Ibid. p. 631; Stuckart and Schiedermair, op. cit., p. 76 state that German courts in these areas used German civil law from the beginning of the incorporation. German civil law had remained effective after 1920 in those sections ceded to Poland at Versailles.

9. Stuckart and Schiedermair, p. 72.

VI. UPPER CARNIOLA, REANNEXED CARINTHIA, AND LOWER STYRIA

A. Background

After German troops occupied North Slovenia in the Yugoslav campaign of 1941, this area was put under German civil administration on 14 April 1941 and this date is considered as that of virtual annexation.[1] The incorporated area (9620 square km., 775,000 inhabitants) consisted of sections which had belonged to Styria and Carinthia until 1919, as well as the northern part of Carniola.

B. Organization

The Germans divided this region into three parts:

1. Lower Styria which was administered by the Gauleiter of neighboring Styria, Uiberreither, as Chief of the Civil Administration in Lower Styria;

2. Upper Carniola which was under control of the Gauleiter of neighboring Carinthia, Rainer,[2] as Chief of the Civil Administration in the occupied territories of Carniola and Carinthia;

3. The Dravograd district (German: Unterdrauburg; also referred to as the Miesstal) which was put under a political commissary at Dravograd. On 1 January 1942 this area was incorporated for administrative purposes into Carinthia and divided among the two countries to which it had belonged until 1919.

The administration of Upper Carniola was centered at Bled (German: Veldes) until 1942 when it was moved to Klagenfurt; that of Lower Styria was similarly moved from Maribor (German: Marburg) to Graz.[3]

C. Assimilation

Although no formal decree of incorporation has ever been published, there is no doubt that the areas were on 14 April 1941 made in fact part of the Reich.[4] On 13 May 1941, Germany and the puppet states of Croatia signed a boundary treaty which described the frontier between Croatia and these territories as the German-Croatian border.[5] A Reich regulation of 14 October 1941 gave German citizenship to the German minority of this area retroactively as of 14 April 1941.[6] In addition, these areas were gradually Germanized: German administrative organization and German legislation were introduced, the Slovene population was moved out or made second-class citizens (Schutzangehörige). German conscription and racial laws were enacted, and names were systematically Germanized.[7]

D. Legality

Stuckart, the Nazi authority, maintains that these territories were reunited with the Reich and put under German administration, but they have not been constitutionally (staatsrechtlich) incorporated, pending settlement of the frontiers. According to him, Germany had the right publicly to incorporate this area, since the Yugoslav state had ceased to exist because of its military defeat and because of the creation of an "independent" Croatia.[8]

Neither the temporary conquest of Yugoslavia nor the creation of the puppet regime in Croatia (also a temporary event) gave Germany any right under international law to annex these areas. An unsuccessful or temporary conquest does not confer any such rights upon an occupying force. The fact that these areas were never formally annexed by Germany and not made an integral part of the Reich according to German consti-

tutional law -- they were never, for example, represented in the Reichstag -- is an internal German matter and does not affect the de facto annexation which has been openly recognized by the Nazis.[9] Moreover, the German civil administration not only committed a single act of de facto incorporation in violation of internation law, but it also overstepped its rights as an occupying force by a series of individual acts, such as the wholesale conscription and naturalization of the inhabitants of these areas.

References to Chapter VI.

1. See note 4 below.

2. In 1942, Kutschera, deputy Gauleiter of Carinthia, is listed as Chief of the Civil Administration (Taschenbuch für Verwaltungsbeamte 1942).

3. Ibid; 1942 and 1943. For the administrative set-up see also the official publications referred to in footnote 7 below. On incorporation of Dravograd cf: Kärntner Zeitung 21-4-43 as quoted in News Digest of 15-7-43. For legislative purposes, Dravados remained with Upper Carniola (see note 7 below).

4. Stuckart and Schiedermair, Neues Staatsrecht II, 1943, p. 87.

5. German-Croatian treaty of Zagreb, dated 13-5-41: Reichsgesetzblatt 1942, II, 264-5.

6. Regulation of 14-10-41: Ibid., 1941, I, 648-9.

7. All references below are cited from Monatliches Verzeichnis der Amtlichen Druckschriften: (a) Dravograd: supplementary regulation of 1-6-41 on foreign exchange legislation: Verordnungs - und Amtsblatt

des Chefs der Zivilverwaltung für die besetzten Gebiete Kärntens und Krains ("nur gültig für den Bereich des politischen Kommissars in Untordrauburg") 1941, p. 181.

(b) Upper Carniola: regulation of 9-1-42 on administration of Dravograd: Verordnungs - und Amtsblatt des Chefs der Zivilverwaltung für die besetzten Gebiete Kärntens und Krains (from 1-1-42 on this edition covered also Dravados) 1942, #1; regulation of 25-7-41 on administrative organization: Ibid., #2; regulation of 10-2-42 on German style of personal names: Ibid., 1942, p. 58-60; regulation of 12-5-42 introducing German trarric law: Ibid., 191-3; regulation of 17-5-42 for strengthening German national group: Ibid., 202; regulation of 7-7-42 introducing labor service: Ibid., 222; regulation of 7-7-42 introducing military legislation (Wehrrecht): Loc. cit.; regulation of 8-7-42 introducing c mmune and commune tax legislation: Ibid., 224-9; regulation of 23-7-42 introducing German personal registration law: Ibid., 240; regulation of 13-8-42 Germanizing first and family names: Ibid., 244; separate regulations for Dravograd: Ibid., 280-5; regulation of 13-2-43 on enlisting men and women for Reich defense: Ibid., 1943, 8; regulation of 20-6-43 introducing national register (Volkskartei): Ibid., 43; regulation of 17-7-43 introducing railroad legislation: Ibid., 47; regulation of 17-7-43 introducing postal and telecommunica - tion legislation: Ibid., 48.

(c) Lower Styria: regulation of 24-3-42 introducing German traffic law: Verordnungs- und Amtsblatt des Chefs der Zivilverwaltung in der Untersteiermark 1941/42, p. 527-9; regulation of 24-3-42 introducing military legislation (Wehrrecht): Ibid., 533; regulation of 24-3-42 introducing Reich labor service (Sonderdienst) for nationals (Schutzangehörige): Ibid., 533-4; regulation of 25-3-42 introducing Nuremberg, castration, and German family laws: Ibid., 534-5; regulation of 9-6-42 introducing German working hours legislation: Ibid., 591-2; regulation of 8-7-42 introducing German traffic law: Ibid., 618; regulation of 5-12-42 prohibiting illegitimate sexual intercourse between Staatsangehörige and Schutzangehörige: Ibid., 706-7; regulation of 15-12-42 introducing Reich registration system (Reichsmeldeordnung): Ibid., 709; regulation of 16-12-42 introducing Reich physicians law (Reichsartzeordnung): Ibid., 713; regulation of 4-2-43 on enlisting men and women for Reich defense: Ibid., 1943, 13; second regulation on special service of nationals (Schutzangehörige): Ibid., 21; notice of 25-8-43 on resettlement of Croatians into Croatia: Ibid., 205-9; regulation of 25-8-43 introducing German postal and telecommunications legislation: Ibid., 214-6

8. Stuckart and Schiedermair, p. 87-8.

9. Loc. cit; cf. supra footnote #5.

VII. NORTHERN ITALY AND ITALIAN ANNEXED AREAS

A. Background and Importance

After the Badoglio government went over to the Allies, the Germans in the fall of 1943 organized northeastern Italy and the neighboring Yugoslav territories annexed by Italy under their own civil administration. Except for the provinces of Belluno and Udine, these territories had been part of the Austro-Hungarian monarchy until after the first World War. Certain areas, primarily in Bolzano (or South Tirol) had a large German-speaking population, while various Yugoslav groups formed the majority of the eastern sections. The region is important because of the harbors of Trieste and Fiume which serve a large hinterland.

B. Organization and Incorporation

No formal decree of incorporation of these territories has ever been published, but the civil administration was set-up in September/October 1943. At that time, the Italian provinces of Bolzano, Trento, and Belluno were combined into a new unit, Alpenvorland (Cisalpine Territory) and put under a high commissioner, Franz Hofer, who was Gauleiter of the neighboring Reichsgau Tirol und Vorarlberg. The Italian provinces of Udine, Gorizia, Trieste, Pola, and Fiume, as well as the areas around Ljubljana and Susak, and the island of Krk -- which Italy had annexed in May 1941 from Yugoslavia -- formed the new German region of Adriatisches Küstenland (Adriatic Littoral) and were administered by Rainer who was also Gauleiter of Carinthia

and Chief of the Civil Administration in Upper Carniola.[1]

C. Assimilation

Although no formal incorporation decree is known for these areas, the familiar pattern of German civil administration with its system of enlarging the domain of neighboring Gauleiters at the expense of foreign territories should be sufficient proof of virtual annexation. In addition, the Germans undertook various steps which throw further light on their intentions. For example, customs offices were established between these annexed portions and the remainder of Italy, and frontier traffic was restricted to a limited number of persons.[2] The German authorities considered the inhabitants as Germans[3] and consequently introduced conscription into the German Armed Forces, while the Mussolini government was forbidden to do any recruiting in this area.[4] The administration was Germanized by appointing German officials (in some cases, however, Slovenes or Croats were chosen) or by sending German "advisors" to the various provincial governments.[5] German law was introduced into Alpenvorland and the new authorities passed a number of regulations; the laws of the neo-Fascist regime set up by Mussolini did not take effect in this area.[6] A court of appeals was set up at Trento (Appelationsgericht Trient), and no appeals in either Alpenvorland or Adriatisches Küstenland were allowed to be taken to the Italian supreme court.[7] In addition, Italian schools language, films, and even the Italian Fascist Party were, in many places, suppressed or at least discouraged.[8]

D. Legality

The German Government has never formally defended this annexation in public, although it has attempted to make the world believe that it had acted with the consent of the neo-Fascist government.

If the neo-Fascist government had actually ceded these territories -- for which there is no sufficient evidence -- or acquiesced in the annexation, such an action would not have been valid under international law because unsuccessful insurgent groups have no standing in international law and therefore they cannot make legal, public commitments on a policy making level. Any German claim that this annexation was an act of lawful reprisal for Italy's defection from the Axis is weakened by the fact that Germany recognized the neo-Fascist government as the government of Italy. In annexing those areas which Italy had annexed from Yugoslavia, Germany's action should be considered as illegal as Italy's incorporation by force of these areas had been.

References to Chapter VII.

1. FCC: Daily, 27-10-43, 2-11-43; Innsbrucker Nachrichten 17-11-43 (News Digest #1301); Neues Wiener Tageblatt 7-12-43 (News Digest #1308); Donauzeitung 30-3-44 (News Digest #1421); Innsbrucker Nachrichten 27-4-44 (News Digest) #1441); Libera Stampa 9-5-44 (News Digest #1445) Popolo 7-6-44 (News Digest #1485); Innsbrucker Nachrichten 27-9-45 (News Digest #1259); Avanti (Naples) 7-2-44; Aftontidningen 17-4-44 (Press Int. Cable); Dagens Nyheter 19-4-44 (News Digest) #1428; New York Herald Tribune 12-6-44; Ibid., 12-7-44; Innsbrucker Nachrichten 27-9-43 (News Digest #1284); Arbetaren 25-5-44 (Press Int. Cable); La Suisse 12-5-44 (News Digest #1449); Aftonidningen 17-5-44 (Press Int. Cable).
2. London radio, 5-5-44 (FCC: Ticker); Agence Telegraphique Suisse 9-5-44 (News Digest #1446); Gazette de Lausanne 26-5-44 (Press Int. Cable); Deutsche Adriazeitung 4-6-44 (News Digest #1474); Ibid., 9-6-44 (News Digest #1480); Popolo 7-6-44 (News Digest #1485); Deutsche Adriazeitung, 8-7-44 (News Digest #1503); New York Herald Tribune 12-7-44.
3. Popolo 7-6-44 (News Digest #1485).
4. Popolo 7-6-44 (News Digest #1485); Deutsche Adriazeitung 30-7-44 (News Digest #1522); New York Herald Tribune 12-7-44.
5. Innsbrucker Nachrichten 17-11-43 (News Digest #1301); Deutsche Adriazeitung 2-6-44 (News Digest #1473); Innsbrucker Nachrichten 27-9-43 (News Digest #1259); Arbetaren 25-5-44 (Press Int. Cable); Slovak radio, 12-12-43 (News Digest #1316); Neues Wiener Tageblatt 7-12-43 (News Digest #1318); FCC: Daily, 8-12-43 (Bari radio); Donauzeitung 30-3-44 (News Digest #1421); Deutsche Adriazeitung 27-5-44 & 21-6-34 (News Digest #1470 & 1490).
6. Innsbrucker Nachrichten 17-11-43 (News Digest #1301); Innsbrucker Nachrichten 27-4-44 (News Digest #1441); Il Popolo 7-6-44 (News Digest #1485); Radio Litterale Adriatico 17-3-44 (News Digest #1400); Libera Stampa 9-5-44 (News Digest #1445); Aftontidningen 17-5-44 (Press Int. Cable).
7. Innsbrucker Nachrichten 17-11-43 (News Digest #1301); Libera Stampa 9-5-44 (News Digest #1445); Avanti (Naples) 7-2-44.
8. New York Herald Tribune 12-7-44; Il Popolo 7-6-44 (News Digest #1485); Agence Telegraphique Suisse 11-8-44 (News Digest #1529); Deutsche Adriazeitung 21-5-44 (Press Int. Cable); Transocean 1-10-43 (News Digest #1255); Svenska Dagbladet 7-10-43 (News Digest #1260); Morgontidningen 13-2-44 (News Digest #1370); Arbetaren 25-5-44 (Press Int. Cable); Avanti (Naples) 7-2-44; Libera Stampa 9-5-44 (News Digest #1445); Libera Stampa 28-2-44 & 9-5-44 (News Digest #1384 & 1445).
9. FCC: Daily, 22 September 1943.

VIII. ALSACE AND LORRAINE

A. Background and Importance

During the summer of 1940, Germany appointed two Chiefs of Civil Administration in the newly conquered territories of Alsace and Lorraine, and from then on entered upon a policy of assimilating these areas into the Reich, a process which was substantially completed by 1943. Alsace (8300 square km., and 1,219,381 inhabitants) and Lorraine (6229.31 square km., and 696,246 inhabitants) belonged to Germany between 1871 and 1918, and have a large German-speaking population; Lorraine is of particular importance for its heavy industry.

B. Incorporation and Organization

There is no question that these territories became, for all practical purposes, parts of the Reich after the defeat of France in 1940. As long as Germany was recognizing the Vichy government, it could not logically incorporate Alsace and Lorraine without Vichy's formal consent. Thus, Stuckart, the Nazi authority in this field, states that these areas were administratively incorporated into the Reich in order to annex them formally after the war, and that these territories had not been incorporated from a point of view of public law. One should, nevertheless, he says, group them with the other incorporated territories.[1] For these reasons the Nazis carefully avoided any formal statement of incorporation.[2]

The pattern of organization was similar to that of other incorporated territories. Gauleiters of neighboring districts were put in charge as Chiefs of Civil Administration. Lorraine was given to Bürckel,[3] Gauleiter and Reichsstatthalter of Westmark, while Alsace was put under Wagner, Gauleiter and Reichsstatthalter of Baden. The administration for Lorraine was at Saarbrücken; Alsace was administered from Strasbourg, the capital of Gau Baden.

C. Assimilation

In order to Germanize these areas, French names of places and persons were changed, persons of non-Germanic stock were deported, as were all those who were considered politically undesirable by the Nazis, and the German language became the official language.[4] Inhabitants of these areas were given German citizenship and conscripted into the German Army and other Reich services.[5] The boundaries of Alsace and Lorraine with Switzerland and with the remainder of France were made for all practical purposes the Reich boundary.[6] The administration was completely assimilated. The French organization was abolished and the German administration took over all government functions. German legislation was introduced for various parts of the administration, and Reich regional authorities fulfilled the same functions here as in other parts of Germany. Moreover, German substantative law (including discriminatory laws) was introduced.[7]

D. Legality

According to Stuckart, Alsace and Lorraine were incorporated administratively into the Reich and Germany was considering this step as a permanent arrangement. From the point of view of public law these areas had, however, not been annexed, because French-German relations were governed by the armistice. The final annexation was to come with the conclusion of peace.[8]

Whether or not the Germans incorporated Alsace and Lorraine constitutionally changes nothing in the fact that they annexed these areas for all practical purposes and in consequence of this policy committed a number of acts detrimental to the population. In doing so, they not only exceeded their rights as an occupying power under the laws of war, but they also specifically violated the French-German armistice of 1940, which, under its Article III, had given Germany only the rights of an occupying power.

References to Chapter VIII

References to the individual Verordnungsblatt are either quoted directly or from Monatliches Verzeichnis der Reichsdeutschen amtlicehn Druckschriften.

1. Stuckart and Schiedermair, Neues Staatsrecht II, 1943, pp. 80-7.
2. These areas were not represented in the Reichstag.
3. A number of Lorraine communes were taken by the Nazis from Lorraine and incorporated into the city of Saarbrucken (Saarland) on 1 April 1943 (Kolnische Zeitung 7-4-43).
4. Regulation of 17-2-42 providing for branch office in Alsace for Reichskommissar fur die Festigung deutschen Volkstums: Verordnungs des Chefs der Zivilverwaltung im Elsass 1942, p. 86; regulation of 2-2-43 on disposition of property of persons of German stock which had been sent to the Reich: Ibid., 1943, p. 26; regulation of 16-8-40 "reintroducing" the "mother tongue": Ibid., 1940, p. 2; regulation of 17-12-40 Germanizing names: Verordnungsblatt fur Lothringen 1940, p. 443; regulation of 25-1-41 on renaming place names: Ibid., 1941, 139-49; regulation of 10-7-42 on settling in Lorraine boundary area: Ibid., 1942, 331-2; regulation of 29-8-42 on German names: Ibid., 422-5; regulation of 28-1-43 on trustees for property of Absiedler: Ibid., 1943, 48; regulation of 28-9-40 on Germanizing names: Ibid., 1940, 60; regulation of 7-11-40 on Germanizing family names: Ibid., 202. Petain's appeal for help for 70,000 Lorrainers deported by the Nazis: N.Y. Herald Tribune 1-12-40; Les Documents no. 27 (1-10-42), 47-50 on deportations and Germanization.
5. Regulation of 20-1-42 authorizing Reich Minister of the Interior to naturalize foreigners in territories under German sovereignty: Reichsgesetzblatt 1942, I, 40 and supplementary regulation of 23-8-42: Ibid., 533-4; regulation of 18-12-41 on right to old job of those called into the Army, SS, or Reich Labor Service: Verordnungsblatt... im Elsass 1942, 33; regulation of 28-8-42 introducing conscription: Ibid., 252; additional regulation of 5-11-42 on conscription: Ibid., 291; regulation of 2-2-43 on citizenship: Ibid., 1943, 32; regulation of 19-8-42 introducing conscription: Verordnungsblatt fur Lothringen 1942, 385; regulation of 29-8-42 introducing German citizenship (Staatsangehorigkeit) law; regulation of 15-9-42 on right to former jobs of draftees for Army or Reich labor service: Ibid., 452; additional regulation of 5-12-42 on conscription: Ibid., 514; regulation of 7-12-12 on membership in Deutsche Volksgemeinschaft in Lorraine: Loc. cit., regulation of 30-1-43 on guest membership in Deutsche Volksgemeinschaft: Ibid., 1943, 26; third regulation on conscription in Lorraine: Ibid., 30; Note that inhabitants were

drafted regardless of citizenship, but that entry into the German Armed Forces conferred German citizenship. The naturalization policy was handled differently in each area. Lorrainers and Luxembourgers were naturalized extensively, while few Alsatians were given citizenship unless in the Armed Forces.

6. Regulation of 19-1-41 introducing German boundary zone law: Verordnungsblatt...im Elsass 1942, 41; regulation of 26-1-42 on traffic between Alsace and occupied France: Ibid., 53-5; regulation of 16-9-42 forming restricted zone along Alsatian-French and Alsatian-Swiss border; Ibid., 259-60; regulation of 9-2-42 on boundary zones: Verordnungsblatt fur Lothringen 1942, 60; New York Times 31-7-40 reported from Strasbourg (30-7-40) -- passed by German censor -- that no customs line between Reich and Alsace, but between Alsace and the remainder of France (except Lorraine). Regulation by Reichsfuhrer SS of 11-12-41 describing Reich boundary as to include Alsace, Lorraine, and Luxembourg, according abstract in Kolnische Zeitung 7-1-42.

7. (a) Alsace: Regulation of 20-12-40 on Reichsplanung und Raumforschung in Alsace: Verordnungsblatt...im Elsass 1940, 493; regulation of 2-1-42 on Hitler Youth in Alsace: Ibid., 1942, 24; regulation of 18-12-41 introducing German weights and measures: Ibid., 33-34; regulation of 30-1-42 introducing German penal law: Ibid., 64-5; regulation of 11-5-42 introducing German price control law: Ibid., 161-3; regulation of 15-4-42 introducing German hunting law: Ibid; 165; regulation of 15-6-42 introducing German railroad law: Ibid., 210; regulation of 20-8-42 introducing Reich notary public legislation: Ibid., 255; regulation of 29-10-42 on taking over and disposal of French public property: Ibid., 283-4; regulation of 14-12-42 enacting Eastern worker law and tax on Jews and Gypsies: Ibid., 298-9.

(b) Lorraine: regulation of 21-12-40 introducing German commune administration: Verordnungsblatt fur Lothringen 1940, 445; regulation of 6-2-42 introducing German railroad signal system: Ibid., 1942, 114; regulation of 9-3-32 introducing German penal law and procedure: Ibid., 145-6; regulation of 9-3-42 on penal law for Poles and Jews; Ibid., 146; regulation of 12-5-42 introducing Prussian justice of peace legislation: Ibid., 270; regulation of 22-5-42 introducing German railroad law: Ibid., 275; regulation of 15-9-42 on Eastern workers and on taxation of Poles and Gypsies: Ibid., 450-1; regulation of 28-9-42 introducing Reich notary public legislation: Ibid., 460-2.

8. Stuckart and Schiedermair, pp. 80-1.

IX. LUXEMBOURG

A. Background and Importance

In May 1940, the Germans invaded the Grand Duchy of Luxembourg and in the following summer placed it under a German civil administration. Luxembourg (2585.49 square km., 296,913 inhabitants) had been a member of the German Confederation until 1866 and had been within the German customs system until 1919. It has a large German-speaking population. Its iron and steel industry is very important.

B. Annexation and Organization

Although Luxembourg was never formally incorporated into the Reich, it was virtually annexed. Stuckart states that it was administratively, but not constitutionally, incorporated.[1] Thus Luxembourg was never represented in the Reichstag, although for all other practical purposes it became a part of the Reich. Luxembourg was administered by Simon, Gauleiter of neighboring Moselland, as Chief of the Civil Administration and was listed for Nazi Party purposes as part of Moselland.

C. Assimilation

The annexation of Luxembourg was achieved by a systematic policy of assimilation. Names and language were Germanized,[2] Luxembourgers of German stock were naturalized and conscripted into German military and other services.[3] The Luxembourg-Belgian and the Luxembourg-French bound-

aries -- excluding, however, the Luxembourg-Lorraine border -- were made for all practical purposes the Reich frontier.[4] The administration was completely assimilated; the Luxembourg state organs were dissolved, and the German civil administration took over all government functions. German legislation was introduced for the various parts of the administration, and the Reich authorities fulfilled the same functions here as in other parts of Germany. Moreover, German substantative law -- including discriminatory legislation -- was introduced.[5]

D. Legality

In this case, Stuckart states that Luxembourg was administratively incorporated, but not from the point of view of either German constitutional or international law and that this arrangement was made "subject to formal regulation at the end of the war."[6]

The claim that Luxembourg was not incorporated formally or constitutionally into the Reich is a German legal nicety, and does not diminish the wrong done by the Germans in actually treating the territory as an incorporated area and in acting as they did in pursuance of this policy.

References to Chapter IX

(References to the individual Verordnungsblatt are either quoted directly or from Monatliches Verzeichnis der Reichsdeutschen amtlichen Druckschriften).

1. Stuckart and Schiedermair, Neues Staaterecht II, 1943, p. 86.

2. Regulation of 6-8-40 introducing German language: Verordnungsblatt fur Luxemburg, 1940, 1. Regulation of 14-9-40 providing the use of German first names in public: Ibid., 15; regulation of 18-12-41 prohibiting the use of non-German 'schriftzeichen': Ibid., 1942, 147.

3. Regulation of 12-2-41 on volunteering for Reich labor service: Verordnungsblatt fur Luxemburg 1941, 98; regulation of 31-7-42 on drafting German citizens: Ibid., 1942, 240; regulation of 30-8-42 introducing conscription: Ibid., 253; regulation of 30-8-42 on citizenship: Ibid., 255.

4. Regulation of 30-9-40 introducing German customs law (effective 15-8-40) and internal revenue law: Verordnungsblatt fur Luxemburg 1940, 17-8; regulation on small border traffic with Belgium of 17-10-40; Ibid., 249-52; regulation of 31-12-30 (effective 1-2-41) on minor border traffic with France (France is Occupied France and does not include Lorraine): Ibid., 473-5; regulation on boundary traffic of 28-2-41 (effective 1-3-41). This decree deals with traffic to Belgium, Holland, and France, but excludes, Alsace, Lorraine, and Germany: Ibid., 1941, 127; regulation of 23-1-42 instituting boundary zones; New York Times 31-7-40 reported from Strasbourg (30-7-40) -- passed by German censor -- that no customs line existed between Reich and Alsace, but between Alsace and the remainder of France (except Lorraine). Regulation by Reichsfuhrer SS of 11-12-41 describing Reich boundary to include Alsace, Lorraine, and Luxembourg, according to abstract in Kolnische Zeitung 7-1-42.

5. Regulation of 20-1-42 authorizing Reich Minister of the Interior to naturalize foreigners in territories under German sovereignty: Reichsgesetzblatt 1942, I, 40 and supplementary regulation of 23-8-42: Ibid; regulation of 23-8-40 prohibiting all political parties except the Volksdeutsche Bewegung: Verordnungsblatt fur Luxemburg 1940, 3; regulation of 26-8-40 making Reichsmark sole legal tender; Ibid., 4; regulation of 26-8-40 providing that courts will announce decisions "in the name of the people" Ibid., 6; regulation of 27-8-40 introducing German foreign exchange law: Ibid., 6-7; regulation of 5-9-40 introducing Nuremberg laws: Ibid., 10-11; regulation of 21-10-40 introducing German Civil Service pay schedule: Ibid., 259-60; regulation of 22-10-40 dissolving house of representatives and state council: Ibid., 278; regulation of 14-11-40 introducing German commune administration: Ibid., 291-2; regulation of 9-11-40 Germanizing courts: Ibid., 297; regulation of 27-11-40 giving

operation and administration of 2 railroads to Reichsbahn: Ibid., 349; regulation of 31-1-41 introducing German marriage law: Ibid., 1941, 48; regulation of 4-1-42 protecting "national symbols": Ibid., 1942; 9; regulation of 15-3-42 introducing German civil law: Ibid., 77-81; regulation of 1-4-42 introducing German public notary legislation: Ibid., 135-6; regulation of 20-4-42 introducing Prussian justice of peace legislation: Ibid., 153; regulation of 30-7-42 introducing penal law for Poles: Ibid., 243.

6. Stuckart & Schiedermair, op. cit., p. 86.

X. EUPEN, MALMEDY, MORESNET

A. Background

Shortly after German troops invaded Belgium, the districts of Eupen and Malmedy were incorporated into the Reich. This small border region (1056.39 square km., 66, 854 inhabitants [incl. Neutral-Moresnet] has a mixed German-Walloon population and was ceded by Germany to Belgium after the first World War.

B. Incorporation and Assimilation

By a decree of 18 May 1940, "the territories of Eupen, Malmedy, and Moresnet which had been ceded through the Diktat of Versailles" were incorporated into the Reich, specifically the Prussian district (Regierungsbezirk) of Aachen, "because they had always remained inherently (innerlich) united with Germany."[1] A supplementary decree of 23 May 1940 reaffirmed the incorporation of territory ceded at Versailles, but added to it the territory of Neutral-Moresnet which had been a Belgian-Prussian condominium from 1831 to 1920, when it became fully Belgian.

The Reich Minister of the Interior was made the central transfer officer and he was empowered to determine the new Reich boundary in detail. The body of Reich and Prussian law was to become effective on 1 September 1940 and all members of the German minority were to become German citizens.[2] The area was organized into two counties, Eupen and Malmedy, and supplementary legislation was passed to assimilate it fully.[3] Subse-

quently -- probably late in 1941 -- the area of annexation was extended to include several sections which had been Belgian since 1831, but which had a non-Walloon population.[4]

C. Legality

Stuckart claims in this instance that a complete incorporation according to international and constitutional law could be carried out unilaterally by Germany, because these territories had been illegally taken away from her.[5] This reference to the "illegal" acquisition of German territory refers to Article 34 of the Treaty of Versailles which provided in conjunction with the cession of Eupen and Malmedy that the inhabitants could express their preference as to which country this area should belong to. Whether or not Belgium failed to execute her part of the Versailles Treaty in this respect, unilateral direct action on the part of Germany was not justified, in view of Germany's subsequent obligation to respect this frontier, an obligation which she had undertaken voluntarily at Locarno and, also, in view of her adherence to the Kellogg-Briand pact to settle disputes by peaceful means. Moreover, although the official Nazi line always talked about "reunion," actually, as has been pointed out, Germany annexed territories which had not been German in 1914.

References to Chapter X.

1. Regulation of 18-5-40: Reichsgesetzblatt 1940, I, 777.
2. Regulation of 23-5-40: Ibid., 803-4. The citizenship status was regulated further by a regulation of 23-9-41 (effective 18-5-40): Ibid., 1941, I, 584-5 and by a number of executive decrees (Stuckart & Schiedermair, Neues Staatsrecht II, 1943, pp. 78-9). According to these regulations, all former German citizens -- except Jews and Gypsies -- become again Staatsangehorige, and if of German stock also Reichsburger. All other persons of German stock were to become Staatsangehorige on probation.
3. The important pieces of supplementary legislation include the following: regulation of 23-9-40 (effective 1-9-23) introducing German commune legislation: Reichsgesetzblatt 1940, I, 1301-4; regulation of 11-6-40 (effective 1-6-40) introducing various German tax laws, including the customs law and laws on consumption and turnover taxes: Ibid., 865-6; regulation introducing (effective 1-1-41) German income, wage, and corporation taxes: Ibid., 1185-7; regulation of 3-9-40 (effective 1-9-40) executing transfer of area from Belgian to German law: Ibid., 1222-31; regulation of 29-7-40 organizing German courts: Ibid., 1059; regulation of 6-6-40 (effective 1-7-40) making Reichsmark sole legal tender: Ibid., 841-2; Cabinet law of 4-2-41 providing for representation in the Reichstag for Eupen-Malmedy: Ibid., 1941, 73.
4. Regulation by the Reichsfuhrer SS of 11-12-41 describing this new boundary as abstracted by Kolnische Zeitung 7-1-42; cf. also Railway Gazette 14-1-44, as well as various German maps.
5. Stuckart & Schiedermair, op. cit., p. 78.